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EXAMINER

WILKENS, JANET MARIE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,457

Applicant(s)

EUSEBI ET AL.

Examiner

Janet M. Wilkens

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment A</u> |

Claim Rejections - 35 USC § 102

Claims 1-5, 7-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruckner et al. Bruckner teaches a table (Fig. 1) with variable configuration comprising at least: a frame (12) to support a main table top (38 and hinged parts 20) and an assembly (56,58,60,62, 16,18), associated with the frame and able to move the main table top from a lowered position to a raised position and vice versa, wherein the assembly comprises a first mechanism (56,58,60,62) and a second mechanism (16,18) and wherein said first mechanism is connected to the main table top to selectively lift or lower the main table top and wherein the second mechanism is connected to a service table top (112), substantially parallel to the main table top to normally take the service table top below said main table top in the lowered position and substantially adjacent to the main table top in the raised position. A connection element (90) attaches the mechanisms together and a spring (114) is part of the first mechanism.

Claims 1, 3, 6-8, 11, 12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Crowther et al. Crowther teaches a table (Fig. 1) with variable configuration comprising at least: a frame (1,2) to support a main table top (5) and an assembly (see Figs. 3 and 6 for 5 and 5'), associated with the frame and able to move the main table top from a lowered position to a raised position and vice versa, wherein the assembly comprises a first mechanism (see Fig. 6 for 5) and a second mechanism (see Fig. 3 for 5') and wherein the first mechanism is connected to the main table top to selectively lift or lower the main

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table top and wherein the second mechanism is connected to a service table top (5'), substantially parallel to the main table top to normally take the service table top below the main table top in the lowered position (when the main table top is still in the raised position; see Fig. 2) and substantially adjacent to the main table top in the raised position (when the main table top is also in the raised position; see Fig. 3). A spring (14) is part of the first mechanism and a panel (4') defines with the frame a compartment capable of storing objects.

Allowable Subject Matter

Claims 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed July 5, 2006 have been fully considered but they are not persuasive.

Addressing the arguments concerning the reference of Bruckner et al: the examiner contends that Bruckner does teach a service tabletop with member 112. The definition of table is: a flat horizontal surface supported by one or more legs. (*The American Heritage Dictionary, Second College Edition*; see attachment). The pad 112 of Bruckner with its flat upper surface (see Fig. 4) and leg (16/18) meets this definition.

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Addressing the arguments concerning the reference of Crowther et al: the examiner argues that Crowther's service table top can be positioned substantially parallel to and below the main table top when it is in its lowered position and the main table top is still in its raised position (see Fig. 2). Note: the first and second mechanisms are not interconnected in claim 1; therefore, the arrangement of the tabletops in Fig. 2 of Crowther meets the "lowered position" limitation found in claim 1. Furthermore, no limitation stating that the service tabletop is directly under the main tabletop is present in claim 1.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

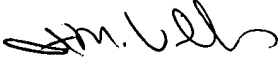
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
September 15, 2006


JANET M. WILKENS
PRIMARY EXAMINER
AA 3637

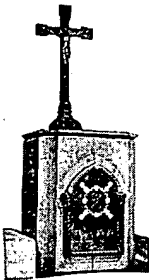
Attachment A

t | tachina fly



tabard

Woodcut of an imperial German herald of the first half of the 16th century

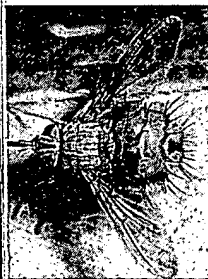


tabernacle



taboret

Carved gilt taboret of Empire style



tachina fly

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t or T (tē) *n.*, *pl.* t's or T's. 1. The 20th letter of the modern English alphabet. 2. Any of the speech sounds represented by the letter t. 3. Anything shaped like the letter T. 4. The 20th in a series. — *idiom.* to a T. Perfectly; precisely: *She fits the role to a T.*

Ta The symbol for the element tantalum.

Taat (tāl) *n.* Afrikaans. [Du. *taal*, speech < MDu. *tāle*.]

tab (tāb) *n.* 1. A projection, flap, or short strip attached to an object to facilitate opening, handling, or identification. 2. A small, usually decorative flap or tongue on a garment. 3. A small auxiliary control surface attached to a larger one to help stabilize an airplane. 4. *Informal.* A bill or a check, as for a meal in a restaurant. 5. A tabulator, as on a typewriter. — *tr.v.* *tabbed*, *tab-bing*, *tabs*. To supply with a tab or tabs. — *idiom.* keep tabs on. To account for; watch. [Orig. unknown.]

ta-ba-nid (tā-bā'nid, -bā'nid) *n.* Any of various blood-sucking flies of the family Tabanidae, which includes the horseflies. [NLat. *Tabanidae*, family name < Lat. *tabanus*, horsefly.] — *ta-ba'nid* *adj.*

tab-ard (tāb'ard) *n.* 1. A short, heavy cape of coarse cloth formerly worn outdoors. 2. a. A tunic or capelike garment worn by a knight over his armor and emblazoned with his coat of arms. b. A similar garment worn by a herald and bearing his lord's coat of arms. 3. An embroidered pennant attached to a trumpet. [ME < OFr. *tabart*.]

tab-a-ret (tāb'a-rēt) *n.* A strong upholstery fabric having alternating stripes of satin and moiré. [Prob. < TABBY.]

Tab-bas-co (tā-bās'kō). A trademark for a spicy-hot sauce made from a strong-flavored red pepper.

tab-bou-leh (tā-bōo'le) also *tab-bou-ley* (-lē) *n.* A Lebanese salad made with bulgur wheat, scallions, tomatoes, and parsley. [Ar. *tabbūla*.]

tab-by (tāb'ē) *n.*, *pl.* -bies. 1. A rich watered silk. 2. A plain weave fabric. 3. a. A domestic cat with a striped coat of a gray or tawny color. b. Any domestic cat, esp. a female. 4. An old maid. 5. A prying woman; gossip. — *adj.* 1. Having light and dark striped markings, as a cat. 2. Made of or resembling watered silk. [Fr. *tabis* < Med. Lat. *attabi* < Ar. *attābi*, after *Al-attābiya*, a suburb of Baghdad, Iraq.]

tab-er-na-cle (tāb'ər-nāk'lē) *n.* 1. Often *Tabernacle*. a. The portable sanctuary in which the Jews carried the Ark of the Covenant through the desert. b. The Jewish temple. 2. Often *Tabernacle*. A case or box on a church altar containing the consecrated host and wine of the Eucharist. 3. a. A place of worship distinguished from a church. b. The Mormon temple. 4. a. A niche for a statue or relic. 5. *Naut.* A boxlike support in which the heel of a mast is stepped. — *v.* -cled, -cles. — *tr.* To enshrine. — *intr.* To dwell temporarily. [ME < OFr. < LLat. *tabernaculum* < Lat., tent, dim. of *taberna*, hut.] — *tab'ernac'u-lar* (-nāk'yō-lər) *adj.*

tab-es (tāb'ez) *n.*, *pl.* tabes. 1. Progressive bodily wasting or emaciation. 2. *Tabes dorsalis*. [Lat.] — *tab-et-ic* *adj.*

tab-es dor-sa-lis (dōr-sā'lis, -sāl'is, -sāl'is) *n.* A syphilitic disease resulting in a hardening of the dorsal columns of the spinal cord and characterized by shooting pains, unsteadiness, and loss of the ability to coordinate voluntary movements. [NLat., dorsal tabes.]

tab-la (tūb'lā) *n.* A small hand drum of India. [Hindi < Ar. *tabl*.]

tab-la-ture (tāb'lā-chōōr) *n.* 1. *Mus.* An obsolete system of notation using letters and symbols to indicate playing directions rather than tones. 2. An engraved tablet or surface. [OFr. < Med. Lat. *tabularis*, tablet < Lat. *tabula*.]

table (tā'bl) *n.* 1. An article of furniture supported by one or more vertical legs and having a flat horizontal surface. 2. The objects laid out for a meal upon a table. 3. The food and drink served at meals; fare. 4. The company of people assembled around a table, as for a meal. 5. Often *tables*. A gaming table, as for faro, roulette, or dice. 6. a. Either of the leaves of a backgammon board. b. *tables*. *Obs.* The game of backgammon. 7. A plateau or tableland. 8. a. A flat facet cut across the top of a precious stone. b. A stone cut in this fashion. 9. *Mus.* The belly of a stringed instrument. 10. *Archit.* a. A raised or sunken rectangular panel on a wall. b. A raised horizontal surface or continuous band on an exterior wall; stringcourse. 11. *Geol.* A horizontal rock stratum. 12. In palmistry, a part of the palm framed by four lines. 13. An orderly arrangement of data, esp. one in which the data are arranged in columns and rows in an essentially rectangular form. 14. An abbreviated list, as of contents; synopsis. 15. A slab or tablet, as of stone, bearing an inscription or device. 16. *tables*. A system of laws or decrees; code: *the tables of Moses*. — *tr.v.* -bled, -bling, -bles. 1. To put or place on a table. 2. To postpone consideration of (a piece of legislation, for example); shelve. 3. To enter in a list or table; tabulate. — *idioms.* on the table. Postponed or put aside for consideration at a later date. turn the tables. To reverse a situation and gain the upper hand. under the table. 1. In secret. 2. Into a completely intoxicated state: *could drink her under the table anytime*. [ME < OFr. < Lat. *tabula*, board.]

tab-leau (tāb'lō, tā-blō) *n.*, *pl.* tab-leaux or tab-leaus (tāb'lōz, tā-blōz). 1. A vivid or graphic description: *The movie was a tableau of a soldier's life*. 2. A striking incidental scene, as of a picturesque group of people. 3. An interlude during a scene when all the actors on stage freeze in place and then resume action as before. 4. A tableau vivant. [Fr. *tableau*, dim. of *table*, surface prepared for painting; see *TABLE*.]

tab-leau vi-vant (tā-blō' vē-vān') *n.*, *pl.* tab-leaux (tā-blō' vē-vān'). A scene presented on stage by actors who remain silent and motionless as if in a picture. [Fr. : *tableau*, *tableau* + *vivant*, living.]

tab-le-cloth (tā'bal-clōth, -klōth') *n.* A cloth to cover a table, esp. during a meal.

table d'hôte (tā'bal dōt') *n.*, *pl.* ta-bles d'hôte (tā'b dōt'). 1. A communal table for all guests at a hotel or resort. 2. A full-course meal served at a fixed price in a restaurant. [Fr. : *table*, table + *d'hôte*, host.]

table-hop (tā'bal-hōp) *intr.v.* -hopped, -hopping. To move around from table to table greeting friends at a restaurant or nightclub. — *table-hop-er* *n.*

table-land (tā'bal-lānd') *n.* A flat, elevated region; mesa.

table linen *n.* Tablecloths and napkins.

table salt *n.* 1. A refined mixture of salts, chiefly sodium chloride, used in cooking and as a seasoning. 2. Chloride.

table-spoon (tā'bal-spōon) *n.* 1. A large spoon used for eating soups and serving food. 2. A household measure approximately 15 milliliters, equal to 3 tea spoons or 1/2 fluid ounce. 3. The amount a tablespoon holds.

table-spoon-ful (tā'bal-spōon'fōl') *n.*, *pl.* -ful. The amount a tablespoon will hold.

table sugar *n.* Sucrose.

tab-let (tāb'lēt) *n.* 1. A slab or plaque, as of stone or wood, with a surface intended for or bearing an inscription. 2. A thin sheet of lead, as of clay or ivory, used as a writing surface. 3. A set of such leaves fastened together, as in a book. 4. A pad of writing paper glued together at the edges. 5. A small, flat cake of a prepared substance, as soap. 6. A small flat pellet of medication to be taken orally. — *tr.v.* -let-ed, -let-ing, -lets. 1. To inscribe on a tablet form into a tablet. [ME *tablette* < OFr. *tablete*, dim. of *table*.]

table talk *n.* Casual mealtime conversation.

table tennis *n.* A game similar to lawn tennis, played on a table with wooden paddles and a small celluloid ball.

tab-ble-ware (tā'bal-wār) *n.* The dishes, glassware, and ware used in setting a table for a meal.

table wine *n.* An unfortified wine served with a meal. — *tab-loid* (tāb'lōid) *n.* A newspaper of small format containing the news in condensed form, usually with illustrated sensational material. [TAB(LE) + -OID.]

tab-boo also tab-u (tā-bōō, tā-) *n.*, *pl.* -boos also -boos. 1. a. A prohibition excluding something from use or mention because of its sacred and inviolable nature. b. An object, word, or act protected by prohibition. 2. A ban or inhibition attached to something by social custom or emotional aversion. 3. Belief in the sanctity of religious or social prohibitions. 4. A proscription devised and observed by any group for its own protection. — *adj.* Excluded or forbidden from use, approach, or mention: *a taboo subject*. — *tr.v.* -booed, -boo-ing, -boo-bued, -bu-ing, -bus. To exclude from use, approach, or mention; place under taboo. [Tongan *tabu*.]

tab-bor also tab-bour (tā'bor) *n.* A small drum played to accompany his life. [ME *tabur* < OFr. *tabur*.]

tab-o-ret also tab-ou-ret (tāb'a-rēt, -rā) *n.* 1. A stool without a back or arms. 2. A low stand or chair. 3. An embroidery frame. [Fr. *tabouret*, dim. of OFr. *tabor*.]

tab-our (tā'bor) *n.* Variant of *tabor*.

tab-ou-ret (tāb'a-rēt, -rā) *n.* Variant of *taboret*.

tab-u (tā-bōō, tā-) *n.*, *adj.*, & *v.* Variant of *taboo*.

tab-u-lar (tāb'yō-lār) *adj.* 1. Having a plane surface. 2. Organized as a table or list. 3. Calculated by means of a table. [Lat. *tabularis*, of boards < *tabula*, board.] — *tab-u-lar-ly* *adv.*

tab-u-la ra-sa (tāb'yō-lā rā'sā, rā'zā) *n.* The mind that receives the impressions gained from experience, is unformed, featureless mind in the philosophy of Plato. [Lat., erased tablet.]

tab-u-lar-ize (tāb'yō-lā-rīz') *tr.v.* -ized, -iz-ing, -izes. To put into tabular form; tabulate. — *tab'u-lar-i-za-tion* *n.*

tab-u-late (tāb'yō-lāt') *tr.v.* -lated, -lat-ing, -lates. 1. To put into tabular form; condense and list. 2. To cut or divide with a plane surface. — *adj.* (tāb'yō-lit, -lāt'). Having a plane surface. [Lat. *tabula*, writing tablet.] — *tab'u-lat-ed* *adj.*

tab-u-la-tor (tāb'yō-lā-tōr) *n.* 1. A person who makes tables. 2. A machine into which data can be fed for calculation. 3. A mechanism on a typewriter for setting margins or stops or margins for columns.

tac-a-ma-hac (tāk'a-mā-hāk') *n.* 1. Any of several resinous substances used in ointments and incenses. 2. Balsam poplar. [Sp. *tacamahaca* < Nahuatl *tecama-hac*.]

tac-et (tāk'ēt, tāk'ēt') *v.* *Mus.* Be silent. Used as a direction. [Lat., it is silent < *tacere*, to be silent.]

tache (tāk'ē) *n.* *Archaic.* A clasp or buckle. [ME < OFr. *tache*, clasp < Germanic orig.]

tach-i-na fly (tāk'a-nā) *n.* Any of several flies of the family Tachinidae.

a pat / ā pay / ā care / ā father / b bib / ch church / d deed / ē pet / ē be / f fife / g gag / h hat / hw which / i pit / i pie / j judge / k kick / l lid, needle / m mum / n no, sudden / ng thing / o pot / o doe / o paw, for / oi noise / ou out / oō took

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